

FILE COPY

STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS,
PROFESSIONAL ENGINEERS, DESIGNERS AND LAND SURVEYORS;
LAND SURVEYORS SECTION

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
JOHN CEJKA, R.L.S., : LS8701211A&E
RESPONDENT. :

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

John Cejka
1004 South 5th Street
Prairie du Chien, WI 53821

Examining Board Architects, Professional Engineers,
Designers & Land Surveyors
P.O. Box 8935
Madison, Wisconsin 53708-8935

Department of Regulation & Licensing
Division of Enforcement
P.O. Box 8935
Madison, Wisconsin 53708-8935

The parties in this matter agree to the terms and conditions of the attached stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached stipulation and makes the following:

FINDINGS OF FACT

1. John Cejka, Respondent is duly licensed to practice as a land surveyor in the State of Wisconsin. His license bears number A008 0001222-9 and was issued in 1975.
2. On October 23, 1986, the Iowa Commission of Engineering and Land Surveyors filed Findings of Fact, Conclusions of Law and Decision in its disciplinary case against Respondent.
3. That the Iowa Conclusion of Law states that John Cejka has violated Iowa codes with regards to land surveying documents.

CONCLUSIONS OF LAW

1. The Land survey Section has jurisdiction of this matter pursuant to Wis. Sec. 443.12.

2. Wis. Adm. Code sec. A-E 4.003(3) indicates that misconduct in the practice of land surveying means an act performed by a land surveyor in the course of his profession which jeopardizes the interest of the public, including but not limited to the following: (a) violation of federal or state laws, local ordinances or administrative rules relating to the practice of land surveying.

3. By violating Iowa codes, Respondent participated in misconduct in the practice of land surveying as defined by Wis. Adm. Code sec. A-E 4.003(3)(a).

4. By participating in misconduct in the practice of land surveying, Respondent is subject to discipline against his land surveying license pursuant to Wis. Stats. sec. 443.12.

ORDER

NOW, THEREFORE, IT IS ORDERED that John Cejka, R.L.S. shall have his license to practice land surveying in the State of Wisconsin suspended for a period of sixty days that the suspension shall be effective on 15th day of April, 1987 and shall run for sixty days thereafter.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 26 day of MARCH, 1987.

EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, DESIGNERS, AND LAND SURVEYORS;
LAND SURVEYORS SECTION

By: Donald L. Paulsen
A Member of the Board

REH:cld
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STATE OF WISCONSIN
BEFORE THE EXAMINING BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
DESIGNERS AND LAND SURVEYORS; LAND SURVEYORS SECTION

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

STIPULATION
LS 8701211 A&E

JOHN CEJKA, R.L.S., :
RESPONDENT. :

It is hereby stipulated and agreed by and between John Cejka, Respondent,
and Ruth E. Heike, Attorney for the Complainant, Department of Regulation
and Licensing, Division of Enforcement, as follows:

1. That the Land Surveyors Section has jurisdiction of this matter pursuant to Wis. Stats. sec. 443.12.
2. That Respondent admits he is duly licensed as a land surveyor in the State of Wisconsin. That his license bears number A008 0001222-9 and was issued in 1975.
3. That Respondent admits that on October 23, 1986, the Iowa Commission of Engineering and Land Surveyors filed Findings of Fact, Conclusions of Law and Decision in its disciplinary case against Respondent.
4. That Respondent admits that the Iowa Conclusion of Law states that John G. Cejka has violated Iowa codes with regards to land surveying documents.
5. That Respondent admits that Iowa revoked his Iowa land surveyor license.
6. That Respondent does not plan to apply for relicensure in Iowa.
7. That for purposes of this Stipulation, Respondent admits that his violation of Iowa codes is misconduct as defined by Wis. Adm. Code sec. AE 4.003(3)(a).
8. That Respondent admits that, due to his violation of Iowa code, he is subject to discipline under Wis. Stats. sec. 443.12.
9. That in order to resolve this matter, Respondent agrees to accept a 60-day suspension of his license to practice land surveying in Wisconsin.
10. That based upon paragraphs 3, 4, 5, 6, 7, 8 and 9, Ruth E. Heike, Attorney for Complainant, Department of Regulation and Licensing, Division of Enforcement, recommends that this Stipulation be accepted and that the attached Final Decision and Order be entered and issued.
11. That this Stipulation may be submitted directly to the Wisconsin Land Surveyors Section; it need not be submitted to Don Rittel, Hearing Examiner appointed in this matter.

12. That the attached Final Decision and Order may be made and entered without prior notice to any party.

13. That in the event any portion of this Stipulation or the attached Final Decision and Order is not accepted by the Wisconsin Land Surveyors Section, then the entire Stipulation and Final Decision and Order shall be void and have no effect.

14. That the attorney for the Complainant may appear before the Wisconsin Land Surveying Section and argue in favor of acceptance of this Stipulation and the entry and issuance of the attached Final Decision and Order.

March 20, 1987
Date

John Cejka
John Cejka
Respondent

March 16, 1987
Date

Ruth E. Heike
Ruth E. Heike
Attorney for Complainant
Department of Regulation and Licensing
Division of Enforcement

REH:la
2622

cc: [illegible]

NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each and the identification
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Examining Board of Architects, Professional Engineers, Designers and Land Surveyors

The date of mailing of this decision is March 27, 1987.